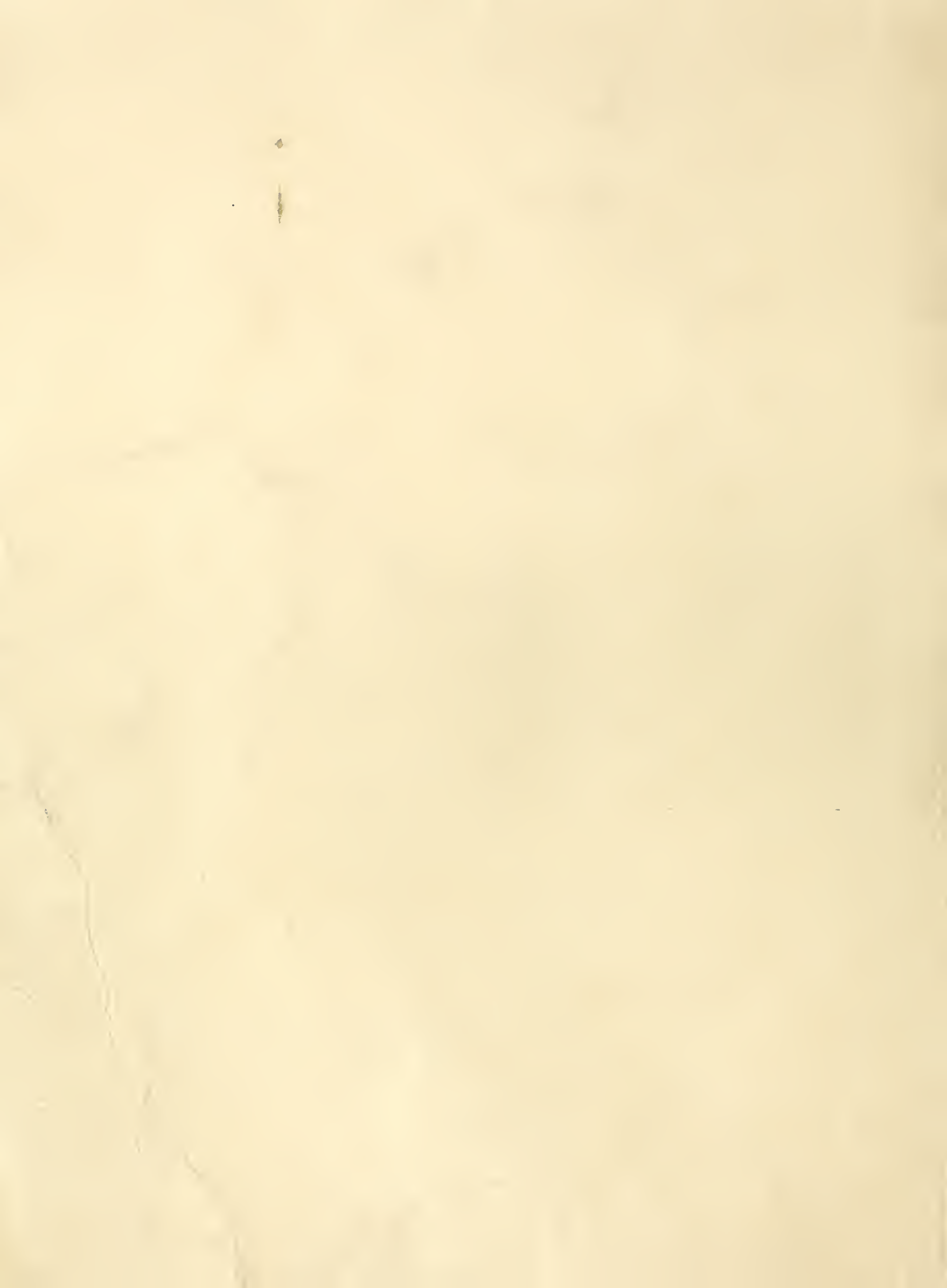


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WFO 146

APR. 5, 1946

DEPARTMENT OF AGRICULTURE

U. S. DEPARTMENT OF AGRICULTURE

PART 1415—IMPORTED FOODS

[WFO 146]

GREEN COFFEE

The fulfilment of requirements for the defense of the United States will result in a shortage of the supply of green coffee for defense and for private account, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1415.8 *Restrictions with respect to coffee—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) "Person" means any individual, partnership, corporation, or any organized group of persons, whether incorporated or not.

(2) "Assistant Administrator" means the Assistant Administrator for Regulatory and Marketing Service matters, Production and Marketing Administration, United States Department of Agriculture.

(3) "Green coffee" means any coffee which has not been fully roasted and is not in a state or condition for accepted methods of brewing as generally recognized by the trade. This term includes, but is not limited to, raw, unroasted coffee in original import shipping containers.

(4) "Roaster" means any person who, for commercial purposes, roasts green coffee owned by him or who has such coffee roasted for his account by some other person.

(5) "Handle" means to import, buy, sell, or otherwise deal in green coffee for commercial purposes.

(6) "Civilian deliveries" means the total quantity of green coffee which a person, other than a roaster, who handles green coffee delivered, during a specified period, to or for the account of a person or persons other than a department or agency of any government or governments, including, but not limited to, (i) the Armed Services of the United States and (ii) the United Nations Relief and Rehabilitation Administration.

(7) "Civilian roastings" means the total quantity of green coffee which a roaster roasted, during a specified period, for his own account or had roasted by some other person or persons for such roaster's account and which was thereafter delivered to or for the account of a person or persons other than a department or agency of any government or governments, including, but not limited to, (i) the Armed Services of the United States and (ii) the United Nations Relief and Rehabilitation Administration.

(b) *Restrictions of inventories.* (1) No person, other than a roaster, who handles green coffee shall acquire, by purchase or otherwise, or accept delivery of a quantity of coffee which will cause the quantity of green coffee which he has on hand, at the end of any calendar month,

to exceed a quantity of green coffee equivalent to one-twelfth of his total civilian deliveries during the calendar year 1945.

(2) No roaster shall acquire, by purchase or otherwise, or accept delivery of a quantity of green coffee which will cause the quantity of green coffee which he has on hand, at the end of any calendar month, to exceed a quantity of green coffee equivalent to seven twenty-fourths of his total civilian roastings during the calendar year 1945.

(c) *Equitable distribution.* Every person, including roasters, who handles green coffee shall make an equitable distribution of such coffee among his respective purchasers. In the event the Assistant Administrator finds that the distribution of green coffee made by any person, including roasters, who handles green coffee is not equitable in any particular instance, the Assistant Administrator may prohibit such person from making any further distribution of green coffee except such as may be specified by the Administrator as being equitable. Any failure on the part of any person, including roasters, who handles green coffee to observe such direction by the Assistant Administrator shall be a violation of this order.

(d) *Dual capacities.* In the case of any roaster who also handles coffee in some capacity or capacities other than as a roaster, the provisions of this order shall apply separately to his separate capacities.

(e) *Exemptions.* The provisions of this order shall not apply to the handling of green coffee by any department or agency of any government or governments, including, but not limited to, (1) the Armed Services of the United States and (2) the United Nations Relief and Rehabilitation Administration, nor shall the provisions of this order apply to any person, including roasters, who does not have, at any one time, an inventory of more than 1,000 pounds of green coffee and who handles not more than 500 pounds of green coffee during any one month.

(f) *Contracts.* The restrictions of this order shall be observed without regard to the rights of creditors, existing contracts or payments made thereunder, or to deliveries of green coffee made prior to the effective date hereof.

(g) *Records and reports.* (1) Within ten days after the effective date of this order, (i) every person, other than a roaster, who handles green coffee shall submit a statement showing his total civilian deliveries of green coffee during the calendar year 1945, and (ii) every roaster shall submit a statement showing his total civilian roastings of green coffee during the calendar year 1945.

(2) Every person who has been assigned a quota to import green coffee under the subsidy program pursuant to Directive 87 of the Office of Economic Stabilization shall submit, in duplicate, Form SC-100 relating to green coffee purchases.

(3) The forms, statements and reports required in subparagraphs (1) and (2) of this paragraph (g) shall be submitted to the Order Administrator, War Food Order No. 146, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(4) Every person who handles more than 500 pounds of green coffee in any one month shall submit Form BUS-930 to the Bureau of the Census, Washington 25, D. C., monthly.

(5) The Assistant Administrator shall be entitled to obtain such additional information from, and to require such additional reports and the keeping of such records by, any person, as may be necessary or appropriate, in the discretion of the Assistant Administration, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(h) *Audits and inspections.* The Assistant Administrator shall be entitled to make such audits and inspections of the books, records and other writings, premises, and stocks and inventories of persons, including roasters, who handle green coffee, and to make such investigations, as may, in the discretion of the Assistant Administrator, be deemed necessary or appropriate to the administration and enforcement of the provisions of this order.

(i) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would impose an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, War Food Order No. 146, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Petitions for such relief shall be in writing and shall set forth all pertinent facts relating to the request and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Assistant Administrator. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, the petitioner may obtain, by requesting the Order Administrator therefor, a review by the Assistant Administrator of such action. The Assistant Administrator may, after such review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (i) shall not be construed to deprive the Assistant Administrator of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Assistant Administrator may consider any such petition and may take such action with reference thereto that he deems appropriate, and such action shall be final.

(j) *Violations.* Any person who violates any provision of this order may, in accordance with applicable procedure, be prohibited from receiving, making any deliveries of, or handling or using green coffee. In addition, any person who willfully violates any provision of this order is guilty of a crime and may be prosecuted therefor under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(k) *Delegation of authority.* The administration of this order and the powers vested in the Secretary of Agriculture

of the United States, insofar as such powers relate to the administration of this order, are hereby delegated to the Assistant Administrator who is hereby authorized to redelegate to any employee or employees of the United States Department of Agriculture any or all of the authority vested in the Assistant Administrator by this order. One such employee shall be designated by the Assistant Administrator to serve as Order Administrator, another such employee shall be designated by the Assistant Administrator to serve as Alternate Order Administrator, and such other employees as may be necessary shall be designated

by the Assistant Administrator to serve as Deputy Order Administrators.

1. *Effective date.* This order shall become effective at 12:01 a. m., e. s. t., April 1, 1946.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9220, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 5th day of April 1946.

[SEAL]

CLINTON P. ANDERSON,
Secretary of Agriculture.

War Food Administration Summary to WFO-146

The Secretary of Agriculture today issued War Food Order No. 146, effective April 1, which is designed to facilitate the movement of coffee that is available to roasters and to level the distribution of coffee supplies.

The new order is also designed to effect better distribution than that following the initial subsidy program which became effective November 9, 1945, covering 6,000,000 bags of green coffee.

War Food Order 146 is in keeping

with Amendment 2 Directive 87 issued by the Office of Economic Stabilization March 19, 1946, which makes a 3-cents-a-pound subsidy on an additional 7,500,000 bags of green coffee to be purchased and imported into the United States by June 30, 1946.

Under provisions of the new order, roasters are not permitted to accept supplies of green coffee which will cause their stocks at the end of any calendar month to exceed a quantity equal to their civilian roastings for an average of 3½ months or 75% of their 1945 roastings.

Persons other than roasters handling green coffee may not accept a quantity

which will cause their stocks to exceed one month or 1/12 of their 1945 civilian deliveries.

The order also requires every person, including roasters who handle more than 500 pounds of green coffee per month, to submit to the Bureau of Census a monthly inventory.

It also requires that a separate form reporting purchases be submitted to the Department of Agriculture by any person assigned a quota to import green coffee under the subsidy program.

War Food Order 63 continues suspended with respect to coffee until July 1, 1946.

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WFO 146

TERMINATION
SEPT. 17, 1946

DEPARTMENT OF AGRICULTURE

[WFO 146, Termination]
PART 1415—IMPORTED FOODS
GREEN COFFEE

War Food Order No. 146 (11 F. R. 3785) is hereby terminated as of 12:01 a. m., e. s. t., September 21, 1946.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 146 prior to the effective time hereof, all provisions of said order in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E. O. 9280, 7 F. R. 10179; E. O. 9577, 10 F. R. 8087)

Issued this 17th day of September 1946.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

UNITED STATES DEPARTMENT OF AGRICULTURE
SUMMARY TO WFO 146, TERMINATION

Inventory restrictions on coffee supplies held by green coffee importers and coffee roasters were eliminated today when the United States Department of Agriculture terminated remaining provisions of War Food Order 146.

The order, in effect since April 1 of this year, restricted the inventories of green coffee importers to one month's supply, and of coffee roasters 3½ months

supply in order to assure prompt marketing of available coffee imports.

The order was originally issued in conjunction with the second coffee subsidy program. Under this program qualified importers were assigned import quotas on green coffee, and were paid subsidies to offset higher-than-ceiling prices paid exporters in producing countries. Importers were required to submit periodic reports on green coffee purchases, and also to distribute equitably the coffee supplies purchased among their respective buyers. The subsidy program was terminated on June 30. With coffee quotas no longer in effect and with importers free to purchase coffee wherever it may be obtained the Department feels that further retention of the order is unnecessary.

